

REMARKS

The Office Action dated August 18, 2010 contained the following objections:

1. Claims 1-2, 5-6, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6792704 to Johnson in view of US Patent 6116385 to Ring; and

2. Claims 1- 2, 5-6, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and further in view of US Patent 6142480 to Streitman et al.

Applicant notes with appreciation that claims 9, 10-13, 16-18 and 26-28 are allowed.

Regarding the rejection of claim 1, such claim has been amended to recite in paragraph (e) “...a third plate member having a first end thereof disposed on said first substantially planar surface of said first plate member adjacent each of said bottom edge and a side edge thereof, said third plate member extending substantially perpendicular to said first plate member in close proximity to an inner surface of said second plate member.” The above limitations were essentially originally presented in claim 2 which has been canceled in response to this Office Action. Additional support for these limitations is best found in FIG. 3. No new matter has been entered.

For the sake of clarity, the "third plate member" is referenced with numeral (76) and is best shown in FIG. 3. The proposed combinations teach away from such "third plate member" (76), as the "other/left element (20)" of Johnson, relied on by the Examiner, is positioned on the end of the "first plate member" (18a,b) which is opposite the location of the "second plate member" (20). Thus, in proposed combinations, the "third plate member" is spaced apart from the "second plate member, rather than be positioned "adjacent thereto" as the third plate member (76) of the claimed invention.

Regarding the rejection of claim 6, such claim has been amended to recite in paragraphs (b) through (e) the structures of the elongated flange (85) and support (100) of the claimed invention which are non-obvious in view of the proposed combinations. For example, it is recited in paragraph (b) that "...an elongated flange disposed, in a substantially horizontal plane during use of said air spring actuator assembly, on an opposed second substantially planar surface of said third plate member between top and bottom edges thereof, said elongated flange extending outwardly from said opposed second substantially planar surface of said third plate member, wherein a first end of said elongated flange is positioned at about one

side edge of said third plate member and wherein an opposed second end of said elongated flange is positioned in close proximity to an opposed side edge of said third plate member "
and is further recited in paragraph (d) "a support having one end thereof disposed on said second end of said elongated flange, said support extending in a direction towards said first plate member, wherein an opposed end of said support is disposed forward of said first substantially planar surface portion of said third plate member, said support having a portion thereof disposed generally horizontally when said mounting member is installed on the railway car mounted brake assembly;" The support for these limitations is best found in FIGS. 2-3. No new matter has been entered.

The proposed combinations fail to teach all of the claimed limitations and teach away from providing such elongated flange (85) with apertures (98) and support (100) with aperture (104).

Claims 23-25 have been canceled.

Accordingly, Applicant respectfully requests withdrawal of the above rejections.

New independent claim 29 essentially contains the claimed subject matter of the allowed claim 9 but reciting "at least one

plate portion" (65a,b) and "at least one elongated member" (81a,b).

New independent claim 30 essentially contains subject matter of amended claim 6 and is believed to be novel and non-obvious over proposed combinations.

CONCLUSIONS

In view of the above amendments to the drawings, disclosure, claims and the remarks associated therewith, Applicant believes that Independent Claims 1, 6, 29 and 30 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that Independent Claims 1 and 6 are in condition for allowance, their dependent claims further providing limitations are also in a condition for allowance.

Furthermore, given allowance of claims 9, 10-13, 16-18 and 26-28, it is respectfully requested that this application is to be passed to issue.

In the event the Examiner has difficulties with the amendment, the Examiner is invited to contact the undersigned agent by telephone at 847-687-8804 to resolve any remaining questions or issues by interview and/or by Examiner's amendment

Application/Control Number: 10/645,035

Art Unit: 3657

Amendment Dated: November 3, 2010

as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,



By: _____

Alexander Pokot
Agent for Applicant
Reg. No. 54,376

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146
TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748